

Mail Stop Interference
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Filed: September 6, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

Howard Martin
Junior Party
(Patent 6,264,471),

v.

Suk-Song Oh
Senior Party
(Application 09/294,073).

Patent Interference No. 105,335
(Technology Center 3700)

JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)

Before LEE, TORCZON, and MOORE, *Administrative Patent Judges*.

Moore, *Administrative Patent Judge*.

Martin has filed Paper 16, a Request for Adverse Judgment as to count 1, which is the only count of this interference.

Upon consideration of the Request for Adverse Judgment, it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 1, page 4)¹ is awarded against Junior party Howard Martin.

FURTHER ORDERED that Junior party Howard Martin is not entitled to a patent containing claims 1-7 (corresponding to Count 1) of patent 6,264,471.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/294,073 and patent 6,264,471.

FURTHER ORDERED that the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666] regarding the filing of settlement agreements.

<u>/Jameson Lee/</u>)	
CAROL A. SPIEGEL)	
Administrative Patent Judge)	
)	
)	
<u>/Richard Torczon/</u>)	BOARD OF PATENT
RICHARD TORCZON)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
<u>/James T. Moore/</u>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

¹Count 1 is Claim 7 of Application 09/294,073 or claim 4 of Patent 6,264,471.

cc (via fax):

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